



Department of Energy  
Washington, DC 20585

MAR 12 2019

Mr. Matt Kasper  
Energy and Policy Institute  
P.O. Box 577764  
Chicago, IL 60657

Via email: 49958-10101062@requests.muckrock.com

Re: HQ-2018-00730-F

Dear Mr. Kasper:

This is a partial response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested the following:

Copies of Doug Matheney's, special adviser in the Office of Fossil Energy, calendar from January 20, 2017, through the processing date of the request.

Copies of any and all electronic communication between Doug Matheney and representatives of:

Ohio House of Representatives: @ohiohouse.gov  
Murray Energy: @coalsource.com  
FirstEnergy: @FirstEnergyCorp.com  
American Electric Power: @aep.com  
Duke Energy: @duke-energy.com  
Dayton Power & Light: @aes.com

Please exclude press clips. The time frame of this search is limited to January 20, 2017, through the processing date of the request

Your request was assigned to DOE's Office of Fossil Energy (FE) to conduct a search of its files for responsive documents. FE started its search on March 13, 2018, which is the cut-off date for responsive documents. At this time, FE has identified five (5) documents responsive to your request. These documents are being released to you as described in the accompanying index. DOE is continuing to process your request for additional responsive documents, which will be provided to you in a subsequent response.



Upon review, DOE has determined that certain information should be withheld in the document pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6).

Exemption 6 generally is referred to as the “personal privacy” exemption; it provides that the disclosure requirements of FOIA do not apply to “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” 5 U.S.C. § 552(b)(6). In applying Exemption 6, DOE considered: 1) whether a significant privacy interest would be invaded; 2) whether the release of the information would further the public interest by shedding light on the operations or activities of the Government; and 3) whether in balancing the privacy interests against the public interest, disclosure would constitute a clearly unwarranted invasion of privacy.

The information withheld under Exemption 6 consists of mobile phone numbers and other such personal information belonging to an individual. This information qualifies as “similar files” because it is information in which an individual has a privacy interest. Moreover, releasing the information could subject the individual to unwarranted or unsolicited communications. Since no public interest would be served by disclosing this information, and since there is a viable privacy interest that would be threatened by such disclosure, Exemption 6 authorizes withholding the information. Therefore, we have determined that the public interest in the information’s release does not outweigh the overriding privacy interests in keeping it confidential, and this information is being withheld under Exemption 6.

This satisfies the standard set forth in the Attorney General’s March 19, 2009, memorandum that the agency is justified in not releasing material that the agency reasonably foresees would harm an interest protected by one of the statutory exemptions. This also satisfies DOE’s regulations at 10 C.F.R. § 1004.1 to make records available which it is authorized to withhold under 5 U.S.C. § 552 when it determines that such disclosure is in the public interest. Accordingly, we will not disclose this information.

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the determination to withhold the information described above. The FOIA requires that “any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt.” 5 U.S.C. § 552(b). As a result, redacted versions of the documents are being released to you in accordance with 10 C.F.R. § 1004.7(b)(3).

This decision, may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L’Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase “Freedom of Information Appeal” in the subject line (this is the method preferred by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE’s records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46/Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our March 19, 2018, letter, you were informed that your request was placed in the "news media" category for fee purposes. Requesters in this category are charged fees for duplication only and are provided 100 pages at no cost. In the same letter, your request for a fee waiver was granted. Thus, no fees will be charged for processing your request.


DOE is continuing to process your request for additional responsive documents, which will be provided to you in a subsequent response.

If you have any questions about the processing of the request or this letter, please contact me, or Mr. Nicholas Mantzaris, of my office, at:

MA-46/Forrestal Building  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585  
(202) 586-4933

I appreciate the opportunity to assist you with this matter.

Sincerely,



Alexander C. Morris  
FOIA Officer  
Office of Public Information

Enclosures

## INDEX

Request #: HQ-2018-00730-F

First partial response to request from Mr. Matt Kasper for the following:

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At this time, the Office of Fossil Energy (FE) has located five (5) documents responsive to your request.

- Three (3) documents *are being released in full.*
- Two (2) documents *are being withheld in part pursuant to Exemption (6).* Exemption 6 information consists mobile phone numbers and other such personal information belonging to an individual.